



claims raised in Ayestas' amended Rule 59(e) motion, and on hypothetical objections to discovery requests by Ayestas. The former were considered and rejected by this court in granting the Rule 60(b) motion, and the latter may be urged in response to Ayestas' amended petition and in response to any discovery Ayestas seeks.

Respondent also seeks clarification of the August 12, 2021, Order. The order vacated the court's previous order denying Ayestas' motion to amend and granted him leave to file an amended petition for a writ of habeas corpus raising claims arising out of the discovery of a prosecutor's memorandum listing Ayestas' national origin and citizenship status as possible reasons to seek the death penalty.

Respondent Lumpkin's Opposed Motion for Reconsideration of the Court's August 12, 2021 Order and Related Scheduling Directive (Docket Entry No. 98) and Opposed Motion to Defer Entry of Scheduling Order (Docket Entry No. 99) are **DENIED**.

**SIGNED** at Houston, Texas, on this 2nd day of November, 2021.

A handwritten signature in black ink, appearing to read 'S. Lake', is written over a horizontal line.

SIM LAKE  
SENIOR UNITED STATES DISTRICT JUDGE